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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF WASHINGTON**

7 DARIO ALVARADO,

No. 15-CV-3194-FVS

8 Plaintiff,

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

9 vs.

10 COMMISSIONER OF SOCIAL  
11 SECURITY,

ECF Nos. 13, 20, 23, 25

12 Defendant.

13 **BEFORE THE COURT** is the Report and Recommendation issued by  
14 Magistrate Judge Mary K. Dimke on February 23, 2017, ECF No. 23,  
15 recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be denied  
16 and Defendant's Motion for Summary Judgment, ECF No. 20, be granted. Plaintiff  
17 filed objections to the Report and Recommendation on March 9, 2017. ECF No.  
18 25. Defendant responded to Plaintiff's objections on March 23, 2017. ECF No. 26.  
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20 ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
- - PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ~ 1

1 After reviewing the Report and Recommendation, the objections and the  
2 response, and relevant authorities; the Court finds the Magistrate Judge's findings  
3 are correct. Therefore, the Court adopts the Report and Recommendation in its  
4 entirety. Accordingly, **IT IS ORDERED:**

5 1. Plaintiff's Objections to Magistrate Judge Dimke's Report and  
6 Recommendation, **ECF No. 25**, are **OVERRULED**.

7 2. The Report and Recommendation, **ECF No. 23**, is **ADOPTED** in its  
8 entirety.

9 3. Defendant's Motion for Summary Judgment, **ECF No. 20**, is  
10 **GRANTED**.

11 4. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **DENIED**.  
12 The District Court Executive is directed to file this Order and forward copies  
13 to the parties. Judgment shall be entered for Defendant and the file shall be  
14 **CLOSED**.

15 DATED March 27, 2017.

16 s/Fred Van Sickle  
17 Fred Van Sickle  
18 Senior United States District Judge  
19  
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21 ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
22 PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT  
23 DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 2